

(Alves); and 2,943,876 (Morris). The U.S. Patent Examiner is respectfully reminded of the following rule: "By disclosing in a patent application a device that inherently performs a function, operates according to a theory, or has an advantage, a patent applicant necessarily discloses that function, theory or advantage even though he says nothing concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter." See *In re Smythe*, 480 F.2d 1376, 178 USPQ 279, 285 (C.C.P.A. 1973).

Accordingly, the application has been amended to recite inherent function, theory or advantage without introducing prohibited new matter. In this regard, it is noted that many different types of jacks and/or structure supporting devices have been devised and are known in the prior art. The present invention, however, is intended for use with columnar jacks and/or columnar structure supporting devices in particular. Accordingly, the Specification has thus been amended as reflected in the Substitute Specification to more properly describe and claim, in relevant portion, the columnar jack or columnar structure supporting device in contradistinction to the structure support device taught by the prior art cited by the U.S. Patent Examiner. As required, a Statement that Substitute Specification Contains No New Matter under 37 C.F.R. § 1.125 is enclosed for the U.S. Patent Examiner's consideration.

Claims 1-31 are currently pending in this patent application. Claims 1, 3, 5-20, 23-28, and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Padilla, U.S. Patent No. 5,869,159 (Padilla) in view of Morris, U.S. Patent No. 2,943,876 (Morris) and Alves, U.S. Patent No. 5,054,011 (Alves) for the reasons stated in Paragraph No. 2 of the Office Action. Claims 2, 15-16, 21-22, and 29-30 have further been rejected under 35 U.S.C. §103(a) as being unpatentable over Padilla, in view of Morris and Alves for the reasons stated in Paragraph No. 3 of the Office Action. Claim 4 has also been rejected under 35 U.S.C. §103(a) as being

unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 4 of the Office Action.

ANALYSIS OF 35 U.S.C. §103(A) REJECTIONS OF CLAIMS 1, 3, 5-20, 23-28, and 31

ISSUE:

Claims 1, 3, 5-20, 23-28, and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 2 of the Office Action. The issue thus presented by the U.S. Patent Examiner is whether claims 1, 3, 5-20, 23-28, and 31 are obvious under 35 U.S.C. § 103(a). Applicant respectfully traverses the U.S. Patent Examiner's rejection of claims 1, 3, 5-20, 23-28, and 31 based on 35 U.S.C. §103(a).

RULES:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made [35 U.S.C. § 103(a)].

U.S. Patent Examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. [Manual of Patent Examining Procedure (M.P.E.P.), § 2141]. Further, United States Patent and Trademark Office (Office) policy has consistently been to follow the three prong test

enunciated in *Graham v. John Deere Co.* 383 U.S. 1, 148 USPQ 459 (1966) (*Graham*) in the consideration and determination of obviousness under 35 U.S.C. 103. U.S. Patent Examiners are thus behooved to apply the test for patentability under 35 U.S.C. 103 as set forth in *Graham* when considering rejections of patent claims based on 35 U.S.C. 103. Furthermore, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. [M.P.E.P. § 2141.02; *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)].

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (M.P.E.P. § 2413).

If a U.S. Patent Examiner does not demonstrate all elements of the *prima facie* case, the U.S. Patent Examiner's opinion of obviousness is deficient and the applicant is deserving of a patent. The Federal Circuit has endorsed this view in *In re Oetiker*, stating, "if the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443-1444 (Fed. Cir. 1992).

ANALYSIS:

The U.S. Patent Examiner has summarily rejected claims 1, 3, 5-20, 23-28 and 31 under 35 U.S.C. 103 as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 2 of the Office Action. The U.S. Patent Examiner there states that “Padilla shows a column having an adjustable flexible strap (50), a stiff skirt (16) circumferentially adjustable relative to the column, the strap being an annular band member having ends for disposing in lapped relation, the column being circular, the skirt allowing immediate and easy access to the columnar support.” However, as further stated by the U.S. Patent Examiner, “Padilla does not show an adjustable jack having a base plate for supporting and securing the columnar support, a mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and the columnar support.” In this regard, the U.S. Patent Examiner further provides that “Morris shows a mechanically adjustable clamp for attaching a stiff skirt to the columnar support” and “Alves shows an adjustable jack having a base plate for supporting and securing the columnar support and for adjusting the height of the column.” The U.S. Patent Examiner, therefore, summarily concludes that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla to show an adjustable jack for supporting and securing the columnar support, a mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and to the columnar support because having an adjustable jack at the bottom of the column would allow for supporting and securing the post and for adjusting the height of the column, and having a mechanically adjustable clamp for attaching a stiff skirt to the columnar support would further enhance the secured wrapping around of the skirt to the post.”

With regard to the U.S. Patent Examiner’s statement, “Padilla shows a column having an adjustable flexible strap (50), a stiff skirt (16) circumferentially adjustable relative to the column, the strap being an annular band member having ends for disposing in lapped relation, the column

being circular, the skirt allowing immediate and easy access to the columnar support,” Applicant respectfully points out that Padilla does not show a column having an adjustable, flexible strap referenced at 50. In this regard, it is noted that Padilla does show a second cover sheet 50 (Column No. 5, Line No. 20, first instance). However, while the Padilla second cover sheet 50 is described as being flexible (Column No. 6, Line No. 5), the Padilla second cover sheet 50 is not described as being adjustable. Padilla clearly states that second cover sheet 50 preferably has dimensions the same as first cover sheet 38 (Column No. 5, Line Nos. 20-21). The Padilla first cover sheet 38 has a width greater than the circumference of the cushioned pole 10 and a height 40 which is preferably between 3 and 5 feet, most preferably 4 feet. In light of the foregoing, clarification as to the U.S. Patent Examiner’s statement that Padilla shows an adjustable flexible strap (50) is kindly requested.

Further, applicant respectfully points out that Padilla does not show a column having a stiff skirt referenced at 16. In this regard, it is noted that Padilla does show a first sheet of cushioning material 16 (Column No. 4, Line No. 28, first instance). While perhaps, skirt-like, the Padilla first sheet of cushioning material 16 is not stiff. As stated in Column No. 4, Line Nos. 61-62, “Cushion sheets 16 and 20 are preferably flexible closed cell plastic film, also referred to as “bubble wrap.” In light of the foregoing, clarification as to the U.S. Patent Examiner’s statement that Padilla shows a stiff skirt (16) is also kindly requested.

Further, applicant respectfully points out that neither the Padilla second cover sheet 50 nor the Padilla first sheet of cushioning material 16 is circumferentially adjustable relative to the column. As earlier pointed out, the Padilla second cover sheet 50 is not circumferentially adjustable relative to the column, since it has preferable fixed dimensions. In like manner, the Padilla first sheet of cushioning material 16 has preferable fixed dimensions. In this regard, the U.S. Patent Examiner is respectfully directed to Column No. 4, Line Nos. 28-32, where it states,

“...cushioning material 16 that has a rectangular shape having a width at least equal to the circumference of the pole 10 to permit the sheet to be wrapped around the pole 10 completely. Preferably, the sheet of cushioning material 16 is wrapped around the pole 10 approximately 2 times.” It will thus be seen that while the Padilla first sheet of cushioning material 16 may have sufficient length to circumferentially cover the subject pole or column to varying extents, the described dimension is fixed. In light of the foregoing, clarification as to the U.S. Patent Examiner’s statement that Padilla shows a column having an adjustable flexible strap (50), a stiff skirt (16) circumferentially adjustable relative to the column,...” is further kindly requested.

Further, applicant respectfully points out that Padilla does not show a stiff skirt, the skirt allowing immediate and easy access to the columnar support. In this regard, Applicant supposes the U.S. Patent Examiner intends to reference the Padilla first sheet of cushioning material 16. However, the Padilla first sheet of cushioning material 16 would not seem to allow immediate and easy access to the columnar support. In this regard, the U.S. Patent Examiner is respectfully directed to Column No. 4, Line Nos. 40-42, where it states, “Referring to FIG. 2, the first cushioning sheet 16 is placed on the pole 10 and tightly secured in position with adhesive tape 26 that may optionally be supplied with the kit.” Further, it will noted at Column No. 5, Line Nos. 28-31 that, “When cover sheet 38 is placed upon the pole 10, it is wrapped tightly around the cushion sheet 16 and adhered in place with adhesive strip 44, as clearly shown in FIG. 4. Applicant contends that the Padilla first sheet of cushioning material 16 does not allow immediate and easy access to the columnar support. Indeed, when the Padilla cushioned pole cover is an assembled state, it is primarily designed to cushion occasional impact therewith and not allow easy access to the pole. If easy access to the pole could be readily achieved, the pole would be without the Cushioned Pole Cover and thus would be ineffective at cushioning occasional impact. In light of the foregoing, clarification as to the U.S. Patent Examiner’s

statement that Padilla shows a skirt, “the skirt allowing immediate and easy access to the columnar support,” is further kindly requested.

With regard to the U.S. Patent Examiner’s statement, “Morris shows a mechanically adjustable clamp for attaching a stiff skirt to the columnar support,” Applicant respectfully points out that Morris does not show a mechanically adjustable clamp for attaching a stiff skirt to a columnar support. Morris does show a mechanically adjustable clamp for repairing broken handles or for adding extensions to handles. In this regard, Morris teaches a pair of substantially semi-circular sleeves of sufficient length to be positioned over a break in a handle or joined in an extension, and a pair of screw clamps with one clamp spaced inwardly from each of the ends of the sleeves. See Column No. 1, Line Nos. 14-20. Further, as noted in Column No. 1, Line Nos. 26 – 30, the purpose of the Morris Metal Mending Sleeve with Ratchet Strap is to provide a [mechanically adjustable] clamp that may be installed over a break in a handle or over a splice for clamping parts of the handle together or for securing an extension to an end of a handle. Thus, while the Morris Metal Mending Sleeve with Ratchet Strap does show a mechanically adjustable clamp for repairing broken handles or for adding extensions to handles attaching a stiff skirt to a columnar support, the Morris Metal Mending Sleeve with Ratchet Strap does not show a mechanically adjustable clamp for attaching a stiff skirt to a columnar support.

With regard to the U.S. Patent Examiner’s statement, “Alves shows an adjustable jack having a base plate for supporting and securing the columnar support and for adjusting the height of the column,” Applicant respectfully points out that Alves does not show an adjustable jack having a base plate for supporting and securing the columnar support and for adjusting the height of the column. Alves does show an adjustable mounting structure for a compact disc player, which comprises a platform to support the player, an arm for supporting the platform, ball and socket swivel elements for triaxially supporting the arm, and a bracket for supporting the ball and

socket swivel elements. It is further noted (Column No. 3, Line Nos. 3 – 5) that the platform functions to support and secure a compact disc player and it is noted that the arm length may be adjusted or shortened (See Column No. 4, Line Nos. 24 – 26) as seen in Figure No. 7 to adjust the height of the platform. Thus, while Alves does show an adjustable mounting structure for a compact disc player, which comprises a platform to support the player, an arm for supporting the platform, ball and socket swivel elements for triaxially supporting the arm, and a bracket for supporting the ball and socket swivel elements, Alves does not show an adjustable jack having a base plate for supporting and securing a columnar support and for adjusting the height of the column.

With respect to the first element of a *prima facie* case of obviousness, the Federal Circuit has stated that “[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.” The United States Patent and Trademark Office applies the same standard. As explained by the Board of Patents Appeals and Interferences (BPAI):

“When the incentive to combine the teachings of the references is not readily apparent, it is the duty of the examiner to explain why combination of the reference teachings is proper....Absent such reasons or incentives, the teachings of the references are not combinable.” *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987).

Coupled with this provision is the additional requirement that the suggestion or motivation exist before the date of invention. Thus, it is incorrect for a U.S. Patent Examiner to formulate the suggestion or motivation based on current knowledge; a U.S. Patent Examiner must remove all knowledge that he or she has accumulated since the date of invention. As stated by the Federal Circuit:

“It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously state that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992) (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1998)).

Failure of a U.S. Patent Examiner (or the BPAI) to provide the necessary suggestion or motivation will create a presumption that the combination of references selected by the U.S. Patent Examiner to support the obviousness rejection was based on hindsight. As stated by the Federal Circuit:

“Because the Board did not explain the specific understanding or principle within the knowledge of a skilled artisan that would motivate one with no knowledge of Roufett’s invention to make the combination, this court infers that the examiner selected these references with the assistance of hindsight. This court forbids the use of hindsight in the selection of references that comprise the case of obviousness. See *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2D (BNA) 1885, 1888 (Fed. Cir. 1991). Lacking a motivation to combine references, the Board did not show a proper *prima facie* case of obviousness.” *In re Roufett*, 149 F.3d 1350, 47 USPQ 2D 1453, 1458 (Fed. Cir. 1998).

The Manual of Patent Examining Procedure (MPEP) describes the U.S. Patent Examiner’s burden for supporting an obviousness rejection, as follows:

“35 U.S.C. 103 authorizes a rejection where to meet the claim, it is necessary to modify a single reference or to combine it with one or more others. After indicating that the rejection is under 35 U.S.C. 103, there should be set forth in the Office Action (1) the relevant teachings of the prior art relied upon, ...(2) the difference or differences in the claim over the applied reference(s), (3) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (4) an explanation why such proposed modification would have been obvious to one of ordinary skill in the art at the time the invention was made.” See M.P.E.P. § 706.02(j).

The MPEP further states the following in connection with the U.S. Patent Examiner's burden for the obviousness type rejection:

"When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. ...A statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the Examiner procedurally fails to establish a *prima facie* case of obviousness." See M.P.E.P. § 2142.

The MPEP further comments on the substance of the U.S. Patent Examiner's statement to support the obviousness rejection as follows:

"A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." See M.P.E.P. § 2143.01.

Further, it has been well established that a claimed invention is not obvious where the prior art elements are from unrelated/non analogous arts. For example, the CCPA has explained the policy that the references be available to the inventor as follows:

"In resolving the question of obviousness under 35 U.S.C. 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, we only presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved. The rationale behind this rule precluding rejections based on combination of teachings of references from nonanalogous arts is the realization that an inventor could not possibly be aware of every teaching in every art." *In re Wood*, 599 F.2d 1032, 202

USPQ 171, 174 (C.C.P.A. 1979) (citing *In re Antle*, 444 F.2d 1168, 1171-72, 170 USPQ 285, 287-88 (C.C.P.A. 1971)).

In addition, the Federal Circuit has clarified how to determine whether a reference is reasonably pertinent to the particular problem with which an inventor is involved.

[a] reference is reasonably pertinent if...it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem.... If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem.... [I]f it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. *In re Clay*, 966 F.2d 656, 23 USPQ 2d 1058, 1060-61 (Fed. Cir. 1992).

An essential issue presented in this case is whether the cited prior art references may be considered reasonably pertinent prior art in light of the foregoing rule.

In the first instance, the Padilla Cushioned Pole Cover and Method of Applying the Cover is primarily classified in U.S. Class 428, subclass 40.1 and teaches a method and kit for cushioning and covering a pole. Applicant concedes that the Padilla reference may be pertinent art insofar as the Padilla disclosure generally relates to coverings for an upright support member. It is noted, however, that the primary purpose of the Padilla reference is to provide relatively permanent circumferential cushion coverings for fixed lally columns while the primary purpose of the claimed invention is to provide aesthetically pleasing, easily accessible/removable concealing structures for occasionally-adjustable columnar support jacks. Since variance exists between the primary purpose of the Padilla reference and the claimed invention, it is highly suspect whether Applicant would have had motivation or occasion to consider the Padilla reference.

Secondly, the Morris Metal Mending Sleeve with Ratchet Strap is primarily classified in Class 287, subclass 118 and relates to clamps for repairing broken handles or for adding extensions to handles. Neither does the Morris reference generally teach clamps usable in combination with columnar support members nor does the Morris reference specifically teach clamps usable to repair broken columnar support members or to add extensions to columnar support members. The primary purpose of the Morris clamps is to hold handle pieces of a hand implement in fixed adjacency to one another to enable use of the implement. The primary purpose of the claimed invention is to provide aesthetically pleasing, easily accessible/removable concealing structures for occasionally-adjustable columnar support jacks. Further, it has not been shown why a person skilled in the art of log cabin or analogous building construction would look to handle implement repair art to ascertain the state of columnar support art. Since great variance exists between the primary purpose of the Morris reference and the primary purpose of the claimed invention, and since the matter with which the Morris reference deals, logically would not have commended itself to the Applicant's attention in considering his problem, Applicant contends that the Morris reference is not reasonably pertinent art.

Finally, the Alves Adjustably Mounted Portable Compact Disc Player is primarily classified in U.S. Class 369, subclass 12 and teaches an adjustable mounting structure for a compact disc player comprising a platform to support the player; a vertically adjustable arm to support the platform; ball and socket swivel elements to triaxially adjust and support the arm; and a bracket for the supporting the ball and socket swivel elements. The primary purpose of the Alves reference is to provide adjustable compact disc player support structure, which purpose is not analogous to providing aesthetically pleasing, easily accessible/removable concealing structures for occasionally-adjustable columnar support jacks. Further, it has not been shown why a person skilled in the art of log cabin or analogous building construction would look to

compact disc player accessory art to ascertain the state of columnar support art. As indicated above, “a reference is reasonably pertinent if...it is one, which, because of the matter with which it deals, logically would have commended itself to the inventor’s attention in considering his problem.” Since it is beyond Applicant’s comprehension how the Alves reference logically would have commended itself to the Applicant’s attention in considering his problem, Applicant contends that the Alves reference is not reasonably pertinent art.

Even if the cited prior art references were deemed reasonably pertinent, however, the issue remains whether the motivation to combine the teachings of the references is immediately apparent. As earlier pointed out, “when the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper....”

In this case, hand implement repair art and compact disc player accessory art have been cited to modify a primary reference, which primary reference provides a method and kit for cushioning the exterior surface of lally-type structural columns. Persons skilled in the art of log cabin or analogous building construction do not normally utilize or consider hand implements or compact disc player accessories to support building structures. The motivation to combine these reference teachings is thus not immediately apparent, effectively consternating the Applicant. Further, the U.S. Patent Examiner has not provided an explanation why the combination of the teachings is proper. The U.S. Patent Examiner has merely quoted rudimentary language from the MPEP, inserted relevant language found in Applicant’s specifications and claims, and issued the subject rejections. As earlier stated, “a statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the Examiner procedurally fails to establish a *prima facie* case of obviousness.” Further, blanket

statements that modifications of the prior art to meet the claimed invention would have been within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Absent a reason or incentive to combine the reference teachings, the teachings of the references are not combinable.” *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987). Since the U.S. Patent Examiner has not provided Applicant with even one explained rejection, Applicant contends that the U.S. Patent Examiner has failed to establish a *prima facie* case of obviousness.

As earlier indicated, three basic criteria must be met to establish a *prima facie* case of obviousness. As shown, the U.S. Patent Examiner has failed to provide even one suggestion or motivation, emanating from either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Moreover, the U.S. Patent Examiner has not demonstrated the second element of the three-prong test; that is, that the primary reference as modified would meet with a reasonable expectation of success. In this regard, the U.S. Patent Examiner has not demonstrated how Padilla as modified may be reasonably expected to meet with success. It is noted that the Alves reference teaches an adjustable mounting structure for a compact disc player comprising a platform to support the player; a vertically adjustable arm to support the platform; ball and socket swivel elements to triaxially adjust and support the arm; and a bracket for the supporting the ball and socket swivel elements. Applicant contends that the described adjustable mounting structure for a compact disc player would not reasonably be expected to successfully support a structural column of a building structure. However, since the U.S. Patent Examiner has not

provided either a suggestion or motivation to combine the reference teachings, Applicant is further unadvised as to how the U.S. Patent Examiner's may be able to demonstrate a reasonable likelihood of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (M.P.E.P. § 2413). As articulated above, neither Padilla nor Padilla as modified shows an adjustable, flexible strap.

Since the U.S. Patent Examiner has not demonstrated even one of the three required elements of the prima facie case with regard to claims 1, 3, 5-20, 23-28 and 31, the U.S. Patent Examiner's opinion of obviousness is deficient and the Applicant is deserving of the allowance of these claims.

ANALYSIS OF 35 U.S.C. §103(A) REJECTIONS OF CLAIMS 2, 15-16, 21-22, and 29-30

ISSUE:

Claims 2, 15-16, 21-22, and 29-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 3 of the Office Action. The issue thus presented by the U.S. Patent Examiner is whether claims 2, 15-16, 21-22, and 29-30 are obvious under 35 U.S.C. § 103(a). Applicant respectfully traverses the U.S. Patent Examiner's rejection of claims 2, 15-16, 21-22, and 29-30 based on 35 U.S.C. §103(a).

RULES:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter

sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made [35 U.S.C. § 103(a)].

U.S. Patent Examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. [Manual of Patent Examining Procedure (M.P.E.P.), § 2141]. Further, United States Patent and Trademark Office (Office) policy has consistently been to follow the three prong test enunciated in *Graham v. John Deere Co.* 383 U.S. 1, 148 USPQ 459 (1966) (*Graham*) in the consideration and determination of obviousness under 35 U.S.C. 103. U.S. Patent Examiners are thus behooved to apply the test for patentability under 35 U.S.C. 103 as set forth in *Graham* when considering rejections of patent claims based on 35 U.S.C. 103. Furthermore, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. [M.P.E.P. § 2141.02; *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)].

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (M.P.E.P. § 2413).

If a U.S. Patent Examiner does not demonstrate all elements of the *prima facie* case, the U.S. Patent Examiner's opinion of obviousness is deficient and the applicant is deserving of a patent. The Federal Circuit has endorsed this view in *In re Oetiker*, stating "if the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443-1444 (Fed. Cir. 1992).

ANALYSIS:

The U.S. Patent Examiner has also summarily rejected claims 2, 15-16, 21-22, and 29-30 under 35 U.S.C. 103 as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 3 of the Office Action. The U.S. Patent Examiner there states that, "Padilla as modified shows all the claimed limitations except for the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end." The U.S. Patent Examiner further states, "Alves further shows a jack being placed at the bottom end of the column support." The U.S. Patent Examiner then concludes, "It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla's modified structures to show the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end because having a jack placed at the top or bottom end is well-known in the art as it provides for dimensional adjustability."

With regard to the U.S. Patent Examiner's statement, "Padilla as modified shows all the claim limitations except for the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end," Applicant respectfully redirects the U.S. Patent Examiner to Applicant's foregoing contention that Padilla as modified does not show all

the claim limitations except for the column support having a top end and a bottom end. For example, neither Padilla nor Padilla as modified shows an adjustable, flexible strap.

With regard to the U.S. Patent Examiner's statement, "Alves further shows a jack being placed at the bottom end of the column support," Applicant respectfully points out that Alves does not show a jack being placed at the bottom end of the column support. Alves does show an adjustable mounting structure for a compact disc player comprising a platform to support the player, an arm for supporting the platform, ball and socket swivel elements for triaxially supporting the arm, and a bracket for supporting the ball and socket swivel elements. It is further noted (Column No. 3, Line Nos. 3 – 5) that the platform functions to support and secure a compact disc player and it is noted that the arm length may be adjusted or shortened (See Column No. 4, Line Nos. 24 – 26) as seen in Figure No. 7 to adjust the height of the platform. Thus, while Alves does show an adjustable mounting structure for a compact disc player comprising a platform to support the player, an arm for supporting the platform, ball and socket swivel elements for triaxially supporting the arm, and a bracket for supporting the ball and socket swivel elements, Alves does not show a jack being placed at the bottom end of the column support.

With regard to the U.S. Patent Examiner's summary conclusion that, "It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla's modified structures to show the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end because having a jack placed at the top or bottom end is well-known in the art as it provides for dimensional adjustability," Applicant respectfully reminds the U.S. Patent Examiner that "when the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper...."

In this case, compact disc player accessory art has been cited to modify a primary reference, which primary reference provides a method and kit for cushioning the exterior surface of lally-type structural columns. Persons skilled in the art of log cabin or analogous building construction do not normally utilize compact disc player accessories to support building structures. The motivation to combine these reference teachings is thus not immediately apparent, effectively further consternating the Applicant. Further, the U.S. Patent Examiner has again not provided an explanation why the combination of the teachings is proper. The U.S. Patent Examiner has again merely quoted rudimentary language from the MPEP, inserted relevant language found in Applicant's specifications and claims, and issued the subject rejections. As earlier stated, "a statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the Examiner procedurally fails to establish a *prima facie* case of obviousness. Further, blanket statements that modifications of the prior art to meet the claimed invention would have been within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Absent a reason or incentive to combine the reference teachings, the teachings of the references are not combinable." *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987). Since the U.S. Patent Examiner has not provided Applicant with even one explained rejection, Applicant contends that the U.S. Patent Examiner has failed to establish a *prima facie* case of obviousness.

ANALYSIS OF 35 U.S.C. §103(A) REJECTION OF CLAIM 4

ISSUE:

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 4 of the Office Action. The issue thus presented by the U.S. Patent Examiner is whether claim 4 is obvious under 35 U.S.C. § 103(a). Applicant respectfully traverses the U.S. Patent Examiner's rejection of claim 4 based on 35 U.S.C. §103(a).

RULES:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made [35 U.S.C. § 103(a)].

U.S. Patent Examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. [Manual of Patent Examining Procedure (M.P.E.P.), § 2141]. Further, United States Patent and Trademark Office (Office) policy has consistently been to follow the three prong test enunciated in *Graham v. John Deere Co.* 383 U.S. 1, 148 USPQ 459 (1966) (*Graham*) in the consideration and determination of obviousness under 35 U.S.C. 103. U.S. Patent Examiners are thus behooved to apply the test for patentability under 35 U.S.C. 103 as set forth in *Graham* when considering rejections of patent claims based on 35 U.S.C. 103. Furthermore, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed

invention as a whole would have been obvious. [M.P.E.P. § 2141.02; *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)].

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (M.P.E.P. § 2413).

If a U.S. Patent Examiner does not demonstrate all elements of the *prima facie* case, the U.S. Patent Examiner's opinion of obviousness is deficient and the applicant is deserving of a patent. The Federal Circuit has endorsed this view in *In re Oetiker*, stating "if the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443-1444 (Fed. Cir. 1992).

ANALYSIS:

The U.S. Patent Examiner has also summarily rejected claim 4 under 35 U.S.C. 103 as being unpatentable over Padilla in view of Morris and Alves for the reasons stated in Paragraph No. 4 of the Office Action. The U.S. Patent Examiner there states that, "Padilla as modified by Morris and Alves shows all the claimed limitations except for the flexible strap being constructed of a moisture adsorbing material." The U.S. Patent Examiner then concludes, "It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla's modified structures to show the flexible strap being constructed of a moisture adsorbing

material because examiner takes Official Notice of the equivalence of moisture adsorbing material and thin polymeric material for their use in the covering art and the selection of any of these know equivalents to fasten to cover the column support would be within the ordinary skill in the art.”

With regard to the U.S. Patent Examiner’s statement, “Padilla as modified by Morris and Alves shows all the claimed limitations except for the flexible strap being constructed of a moisture adsorbing material, Applicant respectfully redirects the U.S. Patent Examiner to Applicant’s foregoing contention that Padilla as modified does not show all the claim limitations except for the flexible strap being constructed of a moisture adsorbing material. For example, neither Padilla nor Padilla as modified shows an adjustable, flexible strap.

With regard to the U.S. Patent Examiner’s summary conclusion that, “It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla’s modified structures to show the flexible strap being constructed of a moisture adsorbing material because examiner takes Official Notice of the equivalence of moisture adsorbing material and thin polymeric material for their use in the covering art and the selection of any of these know equivalents to fasten to cover the column support would be within the ordinary skill in the art,” Applicant reminds the U.S. Patent Examiner that “when the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper....”

In this case, the Padilla Cushioned Pole Cover and Method of Applying the Cover comprises thin polymeric material in the preferred embodiment. While the U.S. Patent Examiner has taken Official Notice of the stated equivalence of moisture adsorbing material and thin polymeric material for their use in covering art, the U.S. Patent Examiner has ostensibly neglected to consider that inventor Padilla specifies thin polymeric material of an abrasion-

resistant type. Thin, abrasion-resistant polymeric materials are not equivalent to moisture adsorbing materials for their use in covering arts. The thin, abrasion-resistant polymeric material specified in the construction of the Padilla Cushioned Pole Cover and Method of Applying the Cover is designed to provide a lally-type structural column covering for protecting passersby from injury resulting from occasional collisions with the lally-type structural column. Collisions typically involve abrasions between contacting surfaces. To promote an abrasion-resistant surface, the Padilla specification provides for a thin polymeric material of an abrasion-resistant type. Applicant, on the other hand, has specified a moisture-adsorbing material in the construction of his Columnar Jack Concealing Device primarily because the adjustable flexible strap is designed to prevent environmental moisture from traveling down the columnar support 14 and contacting the entire columnar support and the underlying floor surfaces. See Page No. 13, Line Nos. 8-11 of this application. While Applicant takes note that moisture adsorbing materials and thin polymeric materials may both be utilized to cover various articles, Applicant contends that thin, abrasion-resistant polymeric materials do not provide the moisture-absorbing characteristics required of the Columnar Jack Concealing Device and thus are not equivalent as the U.S. Patent Examiner has summarily concluded.

Moreover, the motivation to combine the cited reference teachings is not immediately apparent and the U.S. Patent Examiner has again not provided any explanation why the combination of the teachings is proper. The U.S. Patent Examiner has again quoted rudimentary language from the MPEP, inserted relevant language found in Applicant's specifications and claims, and issued the subject rejection. As earlier stated, "a statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the Examiner procedurally fails to establish a *prima facie* case of obviousness. Blanket statements that modifications of the prior art to meet the claimed invention

would have been within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Absent a reason or incentive to combine the reference teachings, the teachings of the references are not combinable.” *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987). Since the U.S. Patent Examiner has not provided Applicant with an explanation of the rejection, Applicant contends that the U.S. Patent Examiner has failed to establish a *prima facie* case of obviousness.

CONCLUSIONS

The Columnar Jack Concealing Device is a decorative covering for columnar jacks or screw-jacks and gives the log home owner an affordable solution that they can do by themselves for the first time ever in the pertinent industry. Although screw-jacks have been covered or concealed on a custom basis, no one has ever made an easily assembled kit solution, where the homeowner could perform the installation themselves. The present invention eliminates the custom and costly jobs of a tin smith or a sheet metal tradesman. This is an important point in light of the fact that most log homes are built in remote locations where availability of tradesmen is limited.

The main objective of the Padilla invention seems to be to eliminate the cushioning problem of steel posts found mainly in the basements of homes. The present invention is dedicated to the concealment of screw-jacks used on wooden support posts to allow for the natural settling process of log homes. The present invention comprises heavy gauge copper, which provides the necessary aesthetics and durability from the elements. The 032 thick copper provides a rigid uniform skirt that is pre-formed to conceal and allow for easy access to the

screw-jacks for adjustments. The average settling in a log home ranges from 2 inches to 8 inches after the construction of the home. This range is largely due to the wide variations of the moisture content found in the different timbers used in the industry. The present invention is not intended for covering or padding the entire post, but solely for covering the screw-jack area exposed utilizing the support post for securing the copper skirt. From an architectural viewpoint, the present invention completes the finished appearance of the log home.

The Alves invention addresses and accomplishes a mounting platform for a Compact Disc player. This Alves device allows for flexibility and adjustability for mounting a Compact Disc player in different situations. In contradistinction, the present invention is a completely different application and serves a specific purpose for the log home industry. The present invention is designed to eliminate the obvious eye-sore caused by exposed screw-jacks or columnar jacks and to allow ease of access to the screw-jacks during the settling process. The Morris invention lends itself to mending or repairing a weakened or damaged wooden rail or post. In comparison, the present invention has none of the qualities or purpose of the Morris patent.

As evidence of the distinctiveness of the invention in the marketplace, Applicant submits herewith 5 magazine editorials as testimonials to the benefit and distinctiveness of the present invention. In this regard, the U.S. Patent Examiner will find enclosed articles regarding this product in the following magazines: (1) "Building Systems," September/October 2001, page 77; (2) Log Home Design Ideas," January 2002, page 20; (3) Log Home Building News," January 2002, page 14; (4) Log Home Living," March 2002, page 16; and (5) Log & Timber Style," May/June 2002, page 19. Further, in the Log Home Living 2003 Buyers Guide, page 372, a new section entitled, "screw-jack covers" has been created and the present invention is the only

listing. Further, in the Schroeder Log Home Supply, Inc. 2002 catalog, pages 25 and 43, the present invention is further indexed.

The prior art thus perceives a need for a columnar jack concealing device that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture. Applicant has eliminated the described need and accordingly has submitted an application for U.S. Letters Patent of a Columnar Jack Concealing Device.

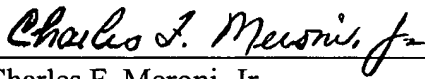
As earlier indicated, attached herewith is a Substitute Specification wherein the Specification and Claims of this application have been amended to more properly describe and claim Applicant's invention, which invention embodies a columnar jack concealing device distinctively advantageous over the prior art cited by the U.S. Patent Examiner. The claimed invention comprises a columnar jack concealing device that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture. Neither Padilla nor Padilla as modified comprises a columnar jack concealing device that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture. Applicant has thus eliminated the need for a columnar jack concealing device that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for

jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture.

In light of the foregoing, the U.S. Patent Examiner is kindly requested to reconsider the 35 U.S.C. § 103(a) rejections of record and in view of said reconsideration, the U.S. Patent Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejections of record. It is believed that this amended application is now in immediate condition for allowance, and such action is kindly requested. If, after a review of this Amendment, issues remain which may be resolved by a telephone interview, the U.S. Patent Examiner is cordially invited to call the Applicants' undersigned attorney.

Respectfully submitted,
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SUBSTITUTE SPECIFICATION**MARKED UP VERSION TO SHOW CHANGES MADE**

TO WHOM IT MAY CONCERN:

5 BE IT KNOWN that Scott Eden is a citizen of the United States and is a resident of
Dunbar, Wisconsin, U.S.A. and has invented new and useful improvements in a

COLUMNAR JACK CONCEALING DEVICE AND METHOD

and does hereby declare that the following is a full, clear and exact description, reference
being had to the accompanying drawings and to the numerals of reference marked thereon,
10 which form a part of this specification.

BACKGROUND OF THE INVENTION

Field of the Invention

5 The present invention relates to columnar concealing or covering devices for
columnar jacks and a method of protectively concealing [column support] columnar jacks.
More specifically, the present invention is primarily intended as a shielding or concealing
apparatus or device and a method of installation for columnar jacks that may be used for
leveling, supporting and securing structural support members on structures such as cabins,
10 homes, buildings, garages, signs, and the like, where the structural support members can
include columns, posts, beams, joists and so forth.

Description of the Related Art

Structural support members, such as columns, posts, beams, joists, and so forth are
15 an important structural aspect in construction of homes, buildings, garages, signs, and the
like. Maintaining a structurally secure, level connection between the structural support
member and the member(s) it supports is critical to the stability of the structure. Moreover,
maintaining a level surface, such as a level roof, is critical to the stability and safety of a
structure as well as to the aesthetics imparted to the beholder. Columnar jacks [Jacks],
20 including adjustable columnar jacks or screw-jacks, are often used to maintain this secure
connection, to adjust and to level a surface, and to compensate for the disparity in the
construction process, materials, and so forth. Such disparities can be caused in timber
construction, for example, due to the swelling and shrinkage characteristics of wood, to

swelling and shrinkage of underlying soils, or to the availability and usage of materials that are shorter than the required material lengths.

When columnar jacks are used for columnar support securement, aesthetic, structural, and safety issues must be addressed. Protection of the columnar jack from
5 slippage or movement, as well as overall aesthetic appearance, become important objectives. These issues can be addressed by concealing and shielding the columnar jack from outside view. In an effort to address these issues, devices have been developed to conceal and shield columnar jacks and columnar members.

For example, U.S. Patent No. 6,065,268, which issued to Gump, discloses a plastic
10 decorative and protective sheath designed to cover jacks used to stabilize house beams, to lift and level mobile homes and the like. The '268 jack cover comprises three half-sectioned covering parts: a capital, a column, and a base and requires adhesives and tongue and groove connections. However, in the field of wood construction, such as in construction of a log cabin, natural wood aesthetics are important and the '268 jack cover would extend the full
15 length of the column and would cover the natural aesthetics of the wood columns used. Moreover, any variation in the height of the column would require an additional cutting operation of the '268 jack cover and subsequent material waste. Once cut, the '268 jack cover would not fully cover the column should the length increase or if a new, longer column were used. Moreover, once cut, the '268 jack cover would not completely
20 compensate for the shrinking and swelling dimensions of the underlying column and gaps or failure points in the parts could weaken the strength and the aesthetics of the cover.

U.S. Patent No. 3,049,195, which issued to J. H. Leat et al., discloses Demountable Partitions that utilize stanchions and small screw jack devices. The small screw jacks are

covered by molding or skirting strips having ribs for insertion into the groove of a channel strip as well as splayed edges (see FIGS. 1, 7, 10, 11, 12 and 14 of the '195 Patent).

However, the '195 molding or skirting strips are disclosed in panel construction and must be manufactured for each wall-to-panel gap size and orientation. In addition, the molding or skirting strips require the cooperation of specially cut and placed channeling strip(s). This construction technique could become onerous and would affect aesthetics in columnar construction, particularly in wood construction where again, the natural material aesthetics are required.

It is therefore important and necessary that a columnar covering device for a columnar jack be developed that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture.

Other objects of my invention, as well as particular features, elements, and advantages thereof, will be elucidated in, or apparent from, the following description and the accompanying drawing figures.

SUMMARY OF THE INVENTION

The present invention provides a columnar covering device for a columnar jack and a method of installing a columnar jack concealing kit for a columnar support.

5 According to the present invention a columnar covering device for a columnar jack is provided and comprises a strap member, a skirt for circumferentially covering the columnar jack, and a band member for attaching the skirt to the strap member. The strap member is sized and shaped for folding over upon itself and for enclosing the band member and a portion of the skirt. The present invention can allow quick access to the
10 columnar jack for adjusting purposes and can be used, for example, on a columnar jack on a cabin structure.

In another embodiment, the present invention provides an apparatus for shielding a columnar structure supporting device, such as a columnar jack. The apparatus comprises a first adjustable band member, a second adjustable band member, and an adjustable
15 shield member for shielding the structure supporting device. The second adjustable band member can couple the first adjustable band member with the adjustable shield member and the first adjustable band member can enclose the second adjustable band member.

In a further embodiment of the present invention, in combination, an apparatus for shielding a columnar structure supporting device is provided. The combination
20 comprises a first adjustable band member, a second adjustable band member, an adjustable shield member for shielding the columnar structure supporting device, and a structural support. The second adjustable band member can couple the first adjustable

band member with the adjustable shield member and with the structural support. The first adjustable band member can then enclose the second adjustable band member.

In another embodiment of the present invention, a columnar jack concealing kit for columnar supports is disclosed. The kit comprises a columnar jack for supporting the columnar support, an adjustable strap member, an adjustable shield member, and an adjustable clamp member. The adjustable clamp member can attach the adjustable shield member with the adjustable strap member and then attach both to the columnar support. The adjustable shield member can conceal and shield the columnar jack from view. Finally, the adjustable strap member can enclose the adjustable clamp member and shield it from view for presenting a uniform appearance blending with the columnar support supported by the columnar jack.

In still a further embodiment, in combination, a columnar jack concealing structure for a columnar support of a structure is provided. The combination comprises an adjustable, flexible strap, an adjustable, stiff skirt, a mechanically adjustable clamp, an adjustable columnar jack, and the columnar support. The adjustable columnar jack can support and secure the columnar support. The adjustable, flexible strap can surround and engage a portion of the columnar support adjacent the adjustable columnar jack. The mechanically adjustable clamp can attach the adjustable, stiff skirt to the adjustable, flexible strap and to the columnar support. Then the adjustable, stiff skirt can conceal the adjustable columnar jack as the skirt is circumferentially adjustable relative to the columnar support for concealing the columnar jack. Finally, the adjustable, flexible strap can fold over upon itself and can encase and protect the mechanically adjustable clamp.

Finally, the present invention provides a method of concealing a columnar jack using a columnar jack concealing kit with a columnar support, the method comprising the acts of: [The method comprises the acts of] first, providing a columnar jack, then attaching the columnar jack to the columnar support and adjusting the columnar jack for
5 securing the columnar support. Next is wrapping an adjustable, flexible strap about the secured columnar support and adjusting the adjustable, flexible strap upon itself for securing the adjustable, flexible strap to the secured columnar support. The next act is wrapping an adjustable, stiff skirt about the secured adjustable, flexible strap and the secured columnar support and adjusting and securing the adjustable, stiff skirt to the
10 secured adjustable, flexible strap and the secured columnar support. Installation continues by covering the attached columnar jack with the secured adjustable, stiff skirt and concealing the attached columnar jack from view, followed by mounting, adjusting, and securing a mechanically adjustable clamp in assembled relation around and over the secured adjustable, flexible strap, the secured adjustable, stiff skirt, and the secured
15 columnar support maintaining concealment of the attached columnar jack. The final act is folding the secured adjustable, flexible strap over the secured adjustable, stiff skirt and the secured mechanically adjustable clamp for concealing the secured adjustable, stiff skirt, or at least a portion thereof, and for concealing and protecting the secured mechanically adjustable clamp.

20 The present invention, therefore provides a columnar covering device for a columnar jack that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste,

accommodates immediate access for the columnar jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture.

DESCRIPTION OF THE DRAWINGS

Other features of my invention will become more evident from a consideration of the following detailed description of my patent drawings, as follows:

5 Figure 1 is a perspective view of an embodiment of the present invention showing an application of the columnar covering device for a columnar jack as applied to a column of a log cabin-type structure;

 Figure 2 is an exploded view of an embodiment of the present invention showing a strap member, a skirt member, and a band member;

10 Figure 3 is a top sectional view of the band member of the embodiment of FIG. 2 showing one type of adjustment means, a mechanical-type mechanism;

 Figure 4 is a cross-sectional view of a columnar jack of the present invention supporting a columnar member, the columnar jack having adjustable capability;

15 Figure 5 is a plan and cross-sectional view of a support plate of the columnar jack of FIG. 4;

 Figure 6 is a plan and cross-sectional view of a base plate of the columnar jack of FIG. 4;

 Figure 7 is a side view of an incremental adjustable support mechanism of the columnar jack of FIG. 4;

20 Figure 8 is a cross-sectional view of an embodiment of the present invention showing installation and adjustment of the columnar jack and columnar covering device to the columnar member wherein the columnar jack is placed under the columnar covering at a bottom end of the columnar member;

Figure 9 is a cross-sectional view of the installation and adjustment of FIG. 8 showing a downward fold over a strap member and subsequent enclosure of a band member and a portion of a skirt member concealing the columnar jack therein;

Figure 10 is a cross-sectional view of an embodiment of the present invention
5 showing installation and adjustment of the columnar jack and columnar covering device to the columnar member wherein the columnar jack is placed over the columnar covering at a top end of the columnar member; and

Figure 11 is a cross-sectional view of the installation and adjustment of FIG. 8 showing an upward fold over a strap member and subsequent enclosure of a band member
10 and a portion of a skirt member concealing the columnar jack therein.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings, the present invention concerns a columnar covering device for a columnar jack or screw-jack, illustrated by way of example in FIGS. 1-11. As
5 discussed above in the Background of the Invention, it is very important to home and building construction and maintenance to maintain a level roof surface as well as other surfaces. In particular, in the construction and maintenance of log cabins and other wood homes, wood shrinkage must be compensated for in order to maintain a level roof surface, level deck surface, and so forth. In order to maintain the level surface, columnar
10 jacks and other columnar support devices can be used, as described below, for adjusting the columnar supports for leveling roofs and the like and for compensating for shrinkage of the wood material. Concealment of the columnar jack and quick access and adjustment of the columnar jack to level the cabin structures is therefore of paramount importance to the functionality, safety, and aesthetics of the cabin, home or structure.
15 The present invention can provide these key features and can satisfy these needs.

It is not intended that the present invention be limited solely to columns and wood construction nor to concealment of columnar jacks, rather it is intended that the scope of the present invention also includes other structural supports, such as posts, beams, joists and the like, other materials, such as metals, synthetics, etc., and concealment of any item
20 used to secure the structural supports including jacks, blocks, other structural members, and so forth.

As is illustrated in FIGS. 1- 11, one embodiment of the present invention discloses, a columnar covering device 10, or apparatus, for shielding a columnar structure

supporting device 12, such as a columnar jack, that can be securing a columnar support 14, such as a column, a post, a beam, a joist, and so forth. The columnar support 14 can provide structural support to a structure 16, such as the log cabin shown in FIG. 1. Other structures, including buildings, shops, signs, and the like are also included within the scope of this invention.

The columnar covering device 10, as shown in FIGS. 2 and 3, comprises a first adjustable band member 18, a second adjustable band member 20, and an adjustable shield member 22 for covering the columnar jack 12. In a preferred embodiment, the first adjustable band member 18 is a strap, belt-like member, or vinyl clamp cover as it is known in other embodiments. The clamp 18 has adjustment means 24 for wrapping (Arrow A-A in FIG. 9 and Arrow B-B in FIG. 11) the strap 18 around the columnar support 14, shown in FIGS. 1 and 8-11, and then over itself to secure it to the columnar support and to account for the variety of sizes, shapes, and dimensions of the columnar supports, including any circular, square, and irregularly shaped columns (i.e. knotted) and the like. In this way, the clamp 18 (and the columnar covering device 10 as a whole) can fit and adjust to any surface dimension, shape, and texture. The adjustment means 24 can include Velcro, adhesive, nails, screws, nuts, bolts, rivets, and mechanical mechanisms. In addition, the strap 18 is preferably an annular band member that has ends that can be disposed in lapped relation to adjust and secure the strap around the columnar support 14.

An important feature of the strap 18, described in detail below, is that it be constructed of a flexible material that is strong and resistant to degradation, such as from weathering elements and the like, but that can adsorb moisture and protect the underlying and adjacent wood members and other members. Materials could include synthetics (i.e.

soft plastics), rubberized compounds, vinyl, cloth materials, and elastic materials.

Excellent results are attainable where a soft easily foldable cloth material is used of any suitable type. In addition, the material could be manufactured to look like the material of the columnar support 14 that it will attach to for blending into the structure. As the strap 18 performs a concealing function by preferably folding radially outwards and over itself (Arrows A-A in FIG. 9 and Arrows B-B in FIG. 11) for reasons heretofore discussed, the material used must allow the strap 18 to “reverse bend”, or bend over upon itself. In this way, the strap can shield the second adjustable band member 20 underneath and protect people from injuring themselves on it. The strap 18 can also provide a moisture absorption barrier, if constructed from such a material, that can prevent moisture from traveling down the columnar support 14 and contacting the entire columnar support and the underlying floor surfaces.

In a preferred embodiment, the adjustable shield member 22 is a skirt, shielding member, columnar jack cover, or adjustable sleeve, as it is known in other embodiments.

The skirt 22 can be wrapped around the strap 18 and the columnar support 14 and then overlap itself, as shown in FIGS. 1 and 8-11, to secure it to the strap and columnar support and to also account for the variety of sizes, shapes, and dimensions of the columnar supports and columnar jacks 12. The skirt 22 can also be sized lengthwise to accommodate different gap and columnar jack heights to account for axial shifting (i.e. swelling, shrinking, etc.) as the columnar jack 12 secures the columnar support 14 and while maintaining concealment and protection of the columnar jack.

The skirt 22 is preferably constructed of a stiff material that will hold its shape in any orientation (i.e. right-side up, upside-down, sideways, or at any angle), will shield

and conceal the columnar jack 12 from view and from weathering elements and the like, is strong, will be resistant to degradation due to the weathering elements and other factors, but which still allows quick access to the concealed columnar jack with little effort followed by easy closing of the skirt. In addition, the skirt 22 must also be flexible
5 so as to allow easy entrance into the columnar jack for leveling adjustments and the like. Materials can also include synthetics, rubberized compounds, paper products, stiff cloth materials, elastic materials, and so forth. Like the strap 18, the skirt 22 could be manufactured to look like the material of the columnar support 14 that it will attach to so as to blend into the structure and provide a uniform appearance. Adjustment and
10 securement of the skirt 22 can include skirt adjustment means 26, such as overlap upon itself, Velcro or adhesive attachment, or mechanical mechanism.

The second adjustable band member 20 is a clamp, a screw band clamp, or other similar clasping device as it is known in other embodiments. The clamp 20 can be wrapped around the skirt 22, the strap 18, and the columnar support 14, and then overlap
15 itself, as shown in FIGS. 1-3 and 8-11. The clamp 20 can thereby function to secure the skirt to the strap and to the columnar support while accounting for the variety of sizes, shapes, and dimension of the columnar support. The clamp, as shown in FIGS. 2 and 3, can be constructed of a metal, synthetic, rubberized compound, rope material, and any other material within the scope of this invention. A metal clamp having a clamp
20 adjustment means 28, as illustrated in FIGS. 2 and 3, is preferred.

Once clamped and adjusted, the strap 18 can be folded radially outwards and over itself (Arrows A-A in FIG. 9 and Arrows B-B in FIG. 11), the clamp 20, the skirt 22, and at least a portion of the columnar support 14, as shown in FIGS. 8-11. In this manner, the

clamp 20 can be hidden from view and protected and the columnar covering device 10 can blend into the columnar support 14, or at least provide an aesthetically pleasing addition to the columnar support while protecting and concealing the columnar jack 12, as illustrated in FIG. 1.

5 The columnar structure supporting device 12, such as the columnar jack, can include adjustable columnar jacks, as illustrated in FIGS. 4-7. In a preferred embodiment, the columnar jack 12 is an adjustable columnar jack that comprises a base plate 30 (FIG. 6), an incremental adjustable support mechanism 32 (FIG. 7), such as a nut and bolt system, and a support plate 34 (FIG. 5). As shown in FIGS. 4 and 8-11, the
10 columnar support 14 can have a hole 35 drilled into an end 36, be it a bottom end 38 (FIGS. 8 and 9), a top end 40 (FIGS. 10 and 11), a side, or at any angle or orientation that the columnar support may be angled at and to which is attached the columnar jack 12 or other columnar support device. The hole 35 is preferably sized to fit the particular incremental adjustable support mechanism 32 in such a way as to provide a secure fit.
15 The support plate 34 should have a hole 42 drilled through it for passage and adjustment of the incremental adjustable support mechanism. The base plate 30 can also have a hole 44 at least partially drilled into it to secure the incremental adjustable support mechanism from slippage.

 An important feature of the present invention is that it can be provided,
20 manufactured, and sold as a kit, a columnar jack concealing kit for columnar supports and the like. The kit could include the columnar jack 12, the strap 18, the clamp 20, and the skirt 22 or any permutation of these items, including the columnar support 14. The kit could also be part of a larger package, such as a log cabin construction kit.

As mentioned above, the columnar covering device 10 is intended to be placed at any orientation required by the columnar support 14. In particular, the columnar covering device 10 can be positioned at both or either of the bottom end 38 (FIGS. 8 and 9) or the top end 40 (FIGS. 10 and 11) of the columnar support 14 as needed or by design. When positioned at the bottom end 38, the strap 18 can be folded downwards (Arrows A-A in FIG. 9) to cover itself, the clamp 20, the skirt 22, and at least a portion of the columnar support 14. When positioned at the top end 40, the strap 18 can be folded upwards (Arrows B-B in FIG. 11) to cover itself, the clamp 20, the skirt 22, and at least a portion of the columnar support 14. Therefore, the materials chosen for the strap and the skirt should be stiff enough to hold their form and to conceal the columnar jack 12 no matter what the directional orientation is.

The columnar covering device 10 can therefore provide an apparatus and means for concealing columnar supporting devices, such as the columnar jack 12. The adjustability of the individual elements and parts discussed above allow the user to adjust, remove, replace, etc. each part to address each columnar support 14 and its movement, dimensions, shapes, and physical characteristics. These adjustments can be made quickly, efficiently, and cost-effectively and can be made during the life of the columnar support 14 as the material ages, shrinks, swells, and so forth or if replacement columnar supports have different length measurements. The simplicity of the device should also result in lower manufacture costs.

Finally, in usage the present invention provides a method of installing a columnar jack concealing kit 10 for a columnar support 14, as shown in FIGS. 8-11. The method comprises the acts of first, providing a columnar jack 12 and then attaching the columnar

jack 12 to the columnar support 14 and adjusting the columnar jack 12 for securing the columnar support 14. The next act is wrapping an adjustable, flexible strap 18 about the secured columnar support 14 and adjusting the adjustable, flexible strap 18 upon itself for securing the adjustable, flexible strap 18 to the secured columnar support 14. What can
5 follow is wrapping an adjustable, stiff skirt 22 about the secured adjustable, flexible strap 18 and the secured columnar support 14 and adjusting and securing the adjustable, stiff skirt 22 to the secured adjustable, flexible strap and the secured columnar support.

The next act is covering the attached columnar jack 12 with the secured adjustable, stiff skirt 22 and concealing the attached columnar jack 12 from view
10 followed by mounting, adjusting, and securing a mechanically adjustable clamp 20 around and over the secured adjustable, flexible strap 18, the secured adjustable, stiff skirt 22, and the secured columnar support 14 for maintaining concealment of the attached columnar jack 12. Finally, the installation is completed by folding the secured adjustable, flexible strap 18 over the secured adjustable, stiff skirt 22, or at least a part of
15 it, and over the secured mechanically adjustable clamp 20 for concealing the secured adjustable, stiff skirt 22 and the secured mechanically adjustable clamp 20. In this way the present invention can protect the clamp 20 and the columnar support 14 from moisture and users or other people, such as kids, from sharp edges on the clamp 20. Moreover, the strap 18 can conform to a variety of columnar support surfaces, be they
20 circular, square, irregular, etc. so that the device 10 can be universally used.

As discussed above, this installation can be performed right-side up (FIG. 8 and 9), upside-down (FIGS. 10 and 11) or at any orientation. The installation is quick and easy and if adjustments or removal are needed to the columnar jack 12 or columnar

support 14, then the [a] columnar jack concealing kit 10 can be uninstalled quickly and easily and can be reused later on the same or any other columnar support 14. To uninstall the kit 10, the procedure can include the following acts: unfolding the secured adjustable, flexible strap 18, loosening and removing the mechanically adjustable clamp 20, uncovering the attached columnar jack 12, unwrapping and removing the adjustable, stiff skirt 22, unwrapping and removing the adjustable, flexible strap 18, and loosening and detaching the columnar jack 12 from the columnar support 14.

Moreover, the acts discussed above are preferably performed sequentially as disclosed, although the acts can be performed in any order that satisfies the scope and intent of the invention. For example, the skirt 22 could be placed on the columnar support 14 before the strap 18 and then both could be bound by the clamp 20 before the strap is folded over itself and the other parts.

In construction and in use the present invention therefore provides a columnar covering device for a columnar jack that has universal application with varying columnar construction sizes, shapes, and lengths, requires few working parts, reduces the likelihood of material waste, accommodates immediate access for jack and material adjustments, due to such causes as shrinkage and swelling, and is easy to use and manufacture.

As various possible embodiments may be made in the above invention for use for different purposes and as various changes might be made in the embodiments and methods above set forth, it is understood that all of the above matters here set forth or shown in the accompanying drawings are to be interpreted as illustrative and not in a limiting sense.

What is claimed is:

1. In combination, a columnar jack concealing structure for a columnar support of a structure comprising:
 - an adjustable, flexible strap;
 - 5 an adjustable columnar jack;
 - a stiff skirt circumferentially adjustable relative to the columnar support for concealing the adjustable columnar jack;
 - a mechanically adjustable clamp; and
 - the columnar support,
 - 10 the adjustable columnar jack for supporting and securing the columnar support,
 - the adjustable, flexible strap for surrounding and engaging a portion of the columnar support adjacent the adjustable columnar jack,
 - the mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable, flexible strap and to the columnar support,
 - 15 the adjustable, stiff skirt for concealing the adjustable columnar jack,
 - the adjustable, flexible strap for folding over and for protectively covering the mechanically adjustable clamp.

2. The combination of claim 1, wherein the columnar support has a top end and a
 - 20 bottom end opposite the top end, the adjustable columnar jack for placement at either the top end or the bottom end and concealed thereat by the adjustable, stiff skirt.

3. The combination of claim 1, wherein the adjustable, flexible strap is an annular band member having ends for disposing in lapped relation, the adjustable, flexible strap
 - 25 for placement about varying sizes, dimensions, and shapes of columnar supports having a cross-section selected from the group consisting of circular, square, and irregular cross-

sections, the adjustable, flexible strap for concealing the mechanically adjustable clamp and for providing moisture protection to the columnar support.

4. The combination of claim 3, wherein the adjustable, flexible strap is constructed
5 of a moisture adsorbing material.

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5. The combination of claim 1, wherein the adjustable, stiff skirt is constructed and configured for immediate and easy access to the adjustable columnar jack for adjusting and for securing the columnar support for leveling the structure and for maintaining the
10 structure in level position.

- Q2
6. The combination of claim 1, further comprising the structure, wherein the structure is a log cabin, the columnar support is a wood column attached to and supporting the log cabin, and the columnar jack concealing structure coacts with the wood column of the log
15 cabin for allowing ease of access to the adjustable columnar jack for maintaining a level wood column and log cabin following wood shrinkage.

7. A columnar covering device for a columnar jack comprising:
a strap member;
20 a skirt sized and shaped for covering the columnar jack; and
a band member for attaching the skirt to the strap member,
the strap member being sized and shaped for folding over and enclosing the band member and a portion of the skirt.

8. The columnar covering device of claim 7, wherein the columnar jack is for supporting a structural support member, the strap member for surrounding about and securing to the structural support member, the skirt for concealing the columnar jack and at least a portion of the structural support member.

5

9. The columnar covering device of claim 8, wherein structural support member is selected from the group consisting of a column, a post, a beam, and a joist.

10. The columnar covering device of claim 8, wherein the columnar jack is an adjustable columnar jack comprising a base plate, an incremental adjustable support mechanism, and a support plate.

11. The columnar covering device of claim 8, wherein the structural support member has a top portion and a bottom portion opposite the top portion, the columnar jack being for placement at either the top portion or the bottom portion and concealed thereat by the skirt.

12. The columnar covering device of claim 7, wherein the strap, the skirt, and the band member are adjustable for securing structural support members having differing sizes, makes, and dimensions.

13. An apparatus for shielding a columnar structure supporting device comprising:
a first adjustable band member;
a second adjustable band member; and
an adjustable shield member for shielding the columnar structure supporting device,
the second adjustable band member for coupling the first adjustable band member with the adjustable shield member,
the first adjustable band member for enclosing the second adjustable band member.

14. The apparatus of claim 13, wherein the columnar structure supporting device is an adjustable columnar jack for supporting a columnar structure selected from the group consisting of a column, a post, a beam, and a joist.

15. The apparatus of claim 14, wherein the adjustable columnar jack is placed at an end of the columnar structure and is shielded therein by the adjustable shield member.

16. The apparatus of claim 15, wherein the end of the columnar structure is a top end or a bottom end.

17. The apparatus of claim 13, wherein the columnar structure supporting device is an adjustable columnar jack, the first adjustable band member is an adjustable strap member sized and constructed of a flexible material for folding over upon itself and over the second adjustable band member for providing cover for the second adjustable band member, the second adjustable band member is an adjustable clamp, and the adjustable shield member is an adjustable sleeve sized and constructed of a stiff material for providing cover for the adjustable columnar jack.

18. The apparatus of claim 17, wherein the flexible material of the adjustable strap member and the stiff material of the adjustable sleeve coact with the adjustable clamp to extend upwards, downwards, or at an angle over the adjustable columnar jack.

19. In combination, an apparatus for shielding a columnar structure supporting device comprising:

a first adjustable band member;

a second adjustable band member;

an adjustable shield member for shielding the columnar structure supporting device; and a structural support,

the second adjustable band member for coupling the first adjustable band member with

the adjustable shield member and with the structural support,

the first adjustable band member for enclosing the second adjustable band member.

20. The combination of claim 19, wherein the columnar structure supporting device is an adjustable columnar jack for supporting the structural support selected from the group consisting of a column, a post, a beam, and a joist.

21. The combination of claim 20, wherein the adjustable columnar jack is placed at an end of the structural support and is shielded therein by the adjustable shield member.

22. The combination of claim 21, wherein the end of the structural support is a top end or a bottom end.

23. The combination of claim 19, wherein the columnar structure supporting device is an adjustable columnar jack, the first adjustable band member is an adjustable strap member sized and constructed of a flexible material for folding over upon itself and over the second adjustable band member for providing cover for the second adjustable band member, the second adjustable band member is an adjustable clamp, and the adjustable shield member is an adjustable sleeve sized and constructed of a stiff material for providing cover for the adjustable columnar jack.

24. The combination of claim 23, wherein the flexible material of the adjustable strap member and the stiff material of the adjustable sleeve coact with the adjustable clamp to extend upwards, downwards, or at an angle over the adjustable columnar jack, the adjustable strap member being an annular strap member comprised of a soft easily folded cloth material for lapped engagement about the structural support and itself.

25. The combination of claim 24, wherein the flexible material and the stiff material present a uniform appearance blending with the structural support.

26. A columnar jack concealing kit for columnar supports comprising:
a columnar jack for supporting the columnar support;
an adjustable strap member;

an adjustable shield member; and
 an adjustable clamp member,
 the adjustable clamp member for attaching the adjustable shield member with the
 adjustable strap member to the columnar support,
 the adjustable shield member for concealing and shielding the columnar jack,
 the adjustable strap member for enclosing the adjustable clamp member.

27. The columnar jack concealing kit of claim 26, wherein the columnar jack is an
 adjustable columnar jack comprising a base plate, an incremental adjustable support
 mechanism, and a support plate.

28. The columnar jack concealing kit of claim 26, wherein the columnar support has
 opposing ends and is selected from the group consisting of a column, a post, a beam, and
 a joist.

29. The columnar jack concealing kit of claim 28, wherein the columnar jack is
 placed at any end of the columnar support and is concealed and shielded thereat by the
 adjustable shield member, the adjustable shield member covering a portion of the end of
 the columnar support.

30. The columnar jack concealing kit of claim 29, wherein the end is a top surface or
 a bottom surface.

31. The columnar jack concealing kit of claim 26, wherein the adjustable strap
 member and the adjustable clamp member are adjustable by materials selected from the
 group consisting of Velcro, adhesive, nail, screw, nut and bolt, and mechanical
 mechanism, the adjustable shield member being adjustable by overlap upon itself, Velcro
 or adhesive attachment, or by mechanical mechanism.

32. A method of concealing a columnar jack using a columnar jack concealing kit
 with a columnar support, the method comprising the acts of:

providing a columnar jack;

attaching the columnar jack to the columnar support and adjusting the columnar jack for securing the columnar support;

wrapping an adjustable, flexible strap about the secured columnar support and securing

5 the adjustable, flexible strap to the secured columnar support;

wrapping an adjustable, stiff skirt about the secured adjustable, flexible strap and the

secured columnar support and adjusting and securing the adjustable, stiff skirt to the

secured adjustable, flexible strap and the secured columnar support, thus covering the

attached columnar jack with the secured adjustable, stiff skirt and concealing the attached

10 columnar jack from view;

mounting, adjusting, and securing a mechanically adjustable clamp around and over the

secured adjustable, flexible strap, the secured adjustable, stiff skirt, and the secured

columnar support for securing same in assembled relation to conceal the attached

columnar jack; and

15 folding the secured adjustable, flexible strap over an upper end of the secured adjustable, stiff skirt and over the secured mechanically adjustable clamp for concealing at least a portion of the secured adjustable, stiff skirt and concealing and protectively covering the secured mechanically adjustable clamp.

20 33. The method of claim 32, wherein the acts of attaching the columnar jack, wrapping the adjustable, flexible strap, wrapping the adjustable, stiff skirt, covering the attached columnar jack, mounting, adjusting, and securing the mechanically adjustable clamp, and folding the secured adjustable, flexible strap are performed selectively right-side up for placement of the columnar jack below the columnar support and upside-down
25 for placement of the columnar jack above the columnar support.

34. The method of claim 32, wherein the acts of attaching the columnar jack, wrapping the adjustable, flexible strap, wrapping the adjustable, stiff skirt, covering the attached columnar jack, mounting, adjusting, and securing the mechanically adjustable
30 clamp, and folding the secured adjustable, flexible strap are performed sequentially for installing the columnar jack concealing kit.

35. The method of claim 32, further comprising the act of uninstalling the columnar jack concealing kit by performing the acts of unfolding the secured adjustable, flexible strap, loosening and removing the mechanically adjustable clamp, uncovering the attached columnar jack, unwrapping and removing the adjustable, stiff skirt, unwrapping and removing the adjustable, flexible strap, and loosening and detaching the columnar jack from the columnar support.

36. The method of claim 32, further comprising accessing the attached columnar jack through the adjustable, stiff skirt for further adjusting the attached columnar jack and for leveling the columnar support.

37. The method of claim 32, wherein the folded over secured adjustable flexible strap provides a protective cover protecting the mechanically adjustable clamp and protecting the columnar support from moisture penetration.

38. The method of claim 32 further including lapping opposite ends of the adjustable, flexible strap in snug circumferential attached retained attachment about an outer perimeter of the columnar support and using the mechanically adjustable clamp to circumferentially clamp the stiff skirt in engaged relation with the adjustable, flexible strap in unitary assembled relation whereafter the secured adjustable, flexible strap is return bent to conceal the secured mechanically adjustable clamp.

39. The method of claim 32 wherein the columnar jack and the column can be relatively adjusted with respect to one another where the column is a log and where the log has shrunk in length by loosening the secured adjustable, flexible strap to allow upright vertical edges of the secured adjustable, stiff skirt to be spread enabling access to be made to the columnar jack for mechanical adjustment of the columnar jack.

ABSTRACT

The present invention provides a device for concealing and covering a columnar jack for columnar supports and a method of concealing a columnar jack using a columnar jack concealing kit [with a columnar support]. The device comprises a strap member, a skirt sized and shaped for covering the columnar jack, and a band member for attaching the skirt to the strap member. The strap member is sized and shaped for folding over and enclosing the band member and a portion of the skirt. A further embodiment provides a columnar jack concealing kit [for columnar supports]. The kit comprises a columnar jack for supporting the columnar support, an adjustable strap member, an adjustable shield member, and an adjustable clamp member. The adjustable clamp member can attach the adjustable shield member with the adjustable strap member to the columnar support. The adjustable shield member can conceal and shield the columnar jack and the adjustable strap member can enclose the adjustable clamp member.
